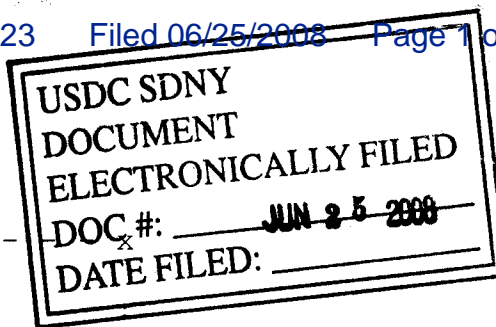


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

- v. -

ELVIN IRIZARRY,
a/k/a "El Bori,"
a/k/a "Gaby,"
a/k/a "JR,"
a/k/a "Boca Chula,"

Defendant.

INFORMATION

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COUNT ONE

(Narcotics Conspiracy)

The United States Attorney charges:

1. From approximately in or about March 2007 through on or about March 6, 2008, in the Southern District of New York and elsewhere, ELVIN IRIZARRY, a/k/a "El Bori," a/k/a "Gaby," a/k/a "JR," a/k/a "Boca Chula," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that ELVIN IRIZARRY, a/k/a "El Bori," a/k/a "Gaby," a/k/a "JR," a/k/a "Boca Chula," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of a mixture and substance containing a detectable amount of cocaine,

in violation of Title 21, United States Codes, Sections 812, 841(a)(1), and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO

(Narcotics Conspiracy)

The United States Attorney further charges:

3. From in or about 2003 through in or about 2005, in the Southern District of New York and elsewhere, ELVIN IRIZARRY, a/k/a "El Bori," a/k/a "Gaby," a/k/a "JR," a/k/a "Boca Chula," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

4. It was a part and an object of the conspiracy that ELVIN IRIZARRY, a/k/a "El Bori," a/k/a "Gaby," a/k/a "JR," a/k/a "Boca Chula," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 500 grams and more of a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Codes, Sections 812, 841(a)(1), and 841(c)(1)(B).

5. It was a further part and an object of the conspiracy that ELVIN IRIZARRY, a/k/a "El Bori," a/k/a "Gaby," a/k/a "JR," a/k/a "Boca Chula," the defendant, and others known and unknown, would and did distribute and possess with intent to

distribute a controlled substance, to wit, a detectable amount of 3,4-methylenedioxy amphetamine, commonly known as "ecstasy," in violation of Title 21, United States Codes, Sections 812, 841(a)(1), and 841(b)(1)(C).

(Title 21, United States Code, Section 846.)

COUNT THREE

(Money Laundering Conspiracy)

The United States Attorney further charges:

6. From in or about March 2007 through on or about March 6, 2008, in the Southern District of New York and elsewhere, ELVIN IRIZARRY, a/k/a "El Bori," a/k/a "Gaby," a/k/a "JR," a/k/a "Boca Chula," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to violate Section 1956(a)(1)(B)(i) of Title 18, United States Code.

7. It was a part and an object of the conspiracy that ELVIN IRIZARRY, a/k/a "El Bori," a/k/a "Gaby," a/k/a "JR," a/k/a "Boca Chula," the defendant, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, knowing that the property involved in certain financial transactions, to wit, the transfer of hundreds of thousands of dollars in cash, represented the proceeds of some form of unlawful activity, unlawfully, willfully, and knowingly would and did conduct and attempt to conduct such financial transactions which in fact involved the proceeds of specified unlawful

activity, to wit, the proceeds of illegal narcotics transactions, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

(Title 18, United States Code, Section 1956(h).)

COUNT FOUR

(Access Device Fraud)

The United States Attorney further charges:

8. In or about the summer of 2006, in the Southern District of New York and elsewhere, ELVIN IRIZARRY, a/k/a "El Bori," a/k/a "Gaby," a/k/a "JR," a/k/a "Boca Chula," the defendant, unlawfully, willfully and knowingly, and with intent to defraud, in an offense affecting interstate commerce, did traffic in and use one and more unauthorized access devices during a one-year period, and by such conduct did obtain things of value aggregating \$1,000 and more during that period, to wit, IRIZARRY used, and caused another to use, without authorization, credit cards to obtain merchandise and services worth more than \$1,000.

(Title 18, United States Code, Section 1029(a)(2).)

COUNT FIVE

(Possession of a Firearm in Connection with an Offense)

9. In or about the summer of 2006, in the Southern District of New York and elsewhere, ELVIN IRIZARRY, a/k/a "El Bori," a/k/a "Gaby," a/k/a "JR," a/k/a "Boca Chula," the defendant, unlawfully, willfully and knowingly, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the offense charged in Count One of this Information, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, to wit, IRIZARRY possessed a firearm during and in furtherance of the cocaine-trafficking conspiracy described in Count One of this Information.

(Title 18, United States Code, Section 924(c)(1)(A)(i).)

FORFEITURE ALLEGATION

10. As a result of committing one or more of the controlled substance offenses alleged in Counts One through Four of this Indictment, ELVIN IRIZARRY, a/k/a "El Bori," a/k/a "Gaby," a/k/a "JR," a/k/a "Boca Chula," the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One through Three of this Indictment.

11. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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SOUTHERN DISTRICT OF NEW YORK

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Defendant.

INFORMATION

08 Cr.

(18 U.S.C. §§ 924(c), 1029(a)(2) and
1956(h), 21 U.S.C. § 846)

MICHAEL J. GARCIA
United States Attorney.
